

STATE OF NEW YORK  
COUNTY OF NEW YORK

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In re : Chapter 11 Case No.  
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LEHMAN BROTHERS HOLDINGS INC., et al., : 08-13555 (JMP)  
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Debtors. : (Jointly Administered)  
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**AFFIRMATION OF CLAIMANT MICHAEL J. MULLEN IN SUPPORT OF  
MOTION TO CERTIFY A CLASS OF RSU AND CSA CLAIMANTS  
NAMED IN 313<sup>TH</sup> AND 319<sup>TH</sup> OMNIBUS OBJECTIONS**

MICHAEL J. MULLEN affirms under penalties of perjury as follows:

1. I submit this Affirmation in support of the pending Motion for Class Certification in the captioned litigation, to certify a class of Claimants named in Debtors' 313<sup>th</sup> and 319<sup>th</sup> Omnibus Objections, the Debtors' effort to reclassify claims for unpaid compensation as equity interests.

2. I was a Commissioned Sales Person employee of Lehman Brothers Holdings corporate group from 2004 to 2008. For each year between 2003 and 2008 Lehman Brothers issued to me an "RSU Agreement," which (together with ancillary documents) confirmed that a portion of my compensation had been withheld for payment in the future. During the years at issue, in excess of \$1,000,000 accrued to this account.

3. As an employee of Lehman Brothers, I received every year a statement of the total amount of my commissions, and the portion of these commissions that was reserved under the RSU Agreement.

4. A number of my colleagues also had similar compensation arrangements. I know of no variance in the forms of RSU Agreements -- they were a standard form that was handed out

to each participating employee. In all respects but the ultimate amount, the RSU compensation arrangements were all part of a standardized plan.

5. When I received the 313<sup>th</sup> Omnibus Objections, I questioned whether it was worth pursuing a claim.

6. It is my belief, however, that employees are entitled to be paid for their services, and particularly that employees who work on a commission basis are entitled to the commissions they earn. My claim is for my commissions for pre-petition services I performed for Lehman Brothers, and it is wrong for other creditors to be paid the money that is due to me and to other commissioned sales persons in my position.

7. When I learn that Stamell & Schager, LLP was representing other former employees, I asked whether they would include my claim. They agreed to do so.

8. For me, given the expense involved and the time it would take from my daily trading activities, pursuing the claim on a group basis is really the only practical way of pursuing it at all.

9. I respectfully request the Court to consider the economics of the situation for small Claimants like myself.

10. I fully support the efforts of my counsel to certify a class of Claimants named in the 313<sup>th</sup> and 319<sup>th</sup> Omnibus Objections.

Affirmed under penalties of perjury this 16<sup>th</sup> day of August, 2012.

/s/

Michael J. Mullen

[Signature unavailable on execution date due to technical difficulties and will be provided prior to hearing date.]